IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

EMMIT GILES, **Plaintiff,**	:	**CIVIL ACTION**
v.	:	**No. 11-3773**
CITY OF PHILADELPHIA, **Defendant.**	:	

ORDER

AND NOW, this 28th day of November, 2012, upon consideration of Plaintiff's "Motion for Reconsideration Pursuant to F.R.C.P. 60(b)" (Doc. No. 7) and Defendant's response in opposition thereto (Doc. No. 8), it is hereby **ORDERED** that Plaintiff's motion is **DENIED**.[1]

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[1] Federal Rule of Civil Procedure 60(b) provides that "[o]n motion and just terms, the court may relieve a party or its legal representative from a final judgment, order, or proceeding." Motions under Rule 60(b) are "addressed to the discretion of the court." 11 CHARLES ALAN WRIGHT ET AL., FEDERAL PRACTICE AND PROCEDURE § 2857 (2d ed. 2012).

Several grounds may justify relief under Rule 60(b), including a catchall provision of "any other reason that justifies relief." FED. R. CIV. P. 60(b)(6). Under subsection (6), a court may only grant relief from a final order in cases evidencing extraordinary circumstances. Pridgen v. Shannon, 380 F.3d 721, 728 (3d Cir. 2004). Legal error alone does not warrant application of Rule 60(b) because it can usually be corrected on appeal. Id. Nevertheless, courts have the discretion to grant relief if an obvious error of law occurs because of judicial inadvertence. Page v. Schweiker, 786 F.2d 150, 158 (3d Cir. 1986).

In the instant case, no extraordinary circumstances exist for the Court to reconsider its prior decision that the statute of limitations barred Plaintiff's claim. The error that Plaintiff claims—that the Court "ignore[d] the fact that the right to obtain [the evidence sought] . . . was only recently recognized by the Supreme Court" in Skinner v. Switzer, 131 S. Ct. 1289 (2011), or at the earliest in 2010 by the United States Court of Appeals for the Third Circuit in Grier v. Klem, 591 F.3d 672 (3d Cir. 2010)—was neither an obvious error of law nor a result of inadvertence by the Court. Further, we note that the ruling in Skinner did not recognize any new constitutional right, but merely held that a request for DNA evidence could be brought in a section 1983 action. Wagner v. Dist. Att'y of Allegheny Cnty., 2012 WL 2090093, at *6 (W.D.

BY THE COURT:

/s/ Mitchell S. Goldberg

MITCHELL S. GOLDBERG, J.

Pa. May 21, 2012). Thus, Skinner does not serve as a trigger for establishing a new limitations period for actions seeking production of similar evidence, and our previous analysis needs no modification. See id.; see also Keystone Ins. Co. v. Houghton, 863 F.2d 1125, 1127 (3d Cir. 1988), abrogated on other grounds by Klehr v. A.O. Smith Corp., 521 U.S. 179 (1988) (noting that a federal cause of action accrues when the plaintiff is aware, or should be aware, of the existence of and source of injury, not when the potential claimant knows or should know that the injury constitutes a legal wrong).